

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the regular date:
Date: June 24, 2005 Name: John Murray, Ph.D. Signature: *John Murray*

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Dennis et al.

Appln. No.: 09/978,344

Filed: October 16, 2001

For: Detoxification and Decontamination Using
Nanotechnology Therapy

Attorney Docket No: 11509/8

Examiner: Kailash
Srivastava

Art Unit: 1651

Mail Stop Patent Ext.
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Request for Reconsideration of Patent Term Adjustment
☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☒ A check in the amount of \$200 is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

June 24, 2005
Date

John Murray
John Murray, Ph.D. (Reg. No. 44,251)



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Mail Stop Patent Ext
Commissioner for Patents

P.O. Box 1450
Alexandria, VA 22313-1450

June 24, 2005

Date of Deposit

John Munroe

Signature

DAC/ST
ZPW

Case No. 11509/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dennis *et al.*

Serial No: 09/978,344

Examiner: Srivastava, Kailash

Filed: October 16, 2001

Group Art Unit: 1651

For: Detoxification and
Decontamination Using
Nanotechnology Therapy

REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT
PURSUANT TO 37 C.F.R. § 1.705(b)

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A notice of allowance was issued for the present application on **April 7, 2005** indicating that the issue fee is due on **July 7, 2005**. This request for reconsideration of the patent term adjustment is being submitted for the present application prior to the payment of the Issue Fee. The Patent Application Information Retrieval (PAIR) system and the notice of allowance both

indicate a patent term adjustment that was calculated by the U.S. Patent office pursuant to 37 C.F.R. 1.701 of 0 days. A copy of Notice of Allowance for the present application is included herewith as **Appendix A**.

Applicants' Attorney believes that the patent term adjustment should be 663 days. For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). The \$200 petition fee pursuant to 37 C.F.R. § 1.18(e) is included. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for the present application was calculated by the U.S. Patent and Trademark Office based on activities and associated dates detailed in the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as **Appendix B**. Applicants' Attorney believe that errors and/or omissions in the calculation and/or the PAIR system Patent Term Adjustment History may have resulted in an incorrect patent term adjustment for the present application as described in detail below. The present application is not subject to a terminal disclaimer.

Period of adjustment pursuant to 37 C.F.R. § 1.703

Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1)

The period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) is the number of days in the period beginning on the day ("the 14 month date") after that date that is fourteen months after the date on which the application was filed pursuant to 35 U.S.C. § 111(a), or fulfilled the requirements pursuant to 35 U.S.C. § 371, and ending on the date of mailing or either an action pursuant to 35 U.S.C. § 132 or a notice of allowance pursuant to 35 U.S.C. § 151, whichever comes first.

The present application was filed on **October 16, 2001** as evidenced by the filing receipt attached as **Appendix C**. The 14 month date specified in 37 C.F.R. § 1.703(a) is **December 16, 2002**. According to the PAIR system Patent Term Adjustment History, the first action on the merits by the U.S. Patent and Trademark Office in the present application was a requirement for restriction mailed on **June 16, 2004** and attached as **Appendix D**. Thus, Applicants' Attorney believes that the difference between the 14 month date and the date of mailing of the first action on merits is 550 days. Applicants' Attorney also believes that, as of the date of mailing of the Notice of Allowance,

the period of adjustment pursuant to 37 C.F.R. § 1.703(a) is **550 days** but expects that additional non-overlapping delay can reasonably be expected prior to a patent issuing for the present application.

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day (“the 3 year date”) after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371 and ending on the date a patent was issued.

The present application was filed on **October 16, 2001** as evidenced by the filing receipt attached as **Appendix C**. The 3 year date specified in 37 C.F.R. § 1.703(b) is **October 16, 2004**. On the date of mailing of the notice of allowance, the present application is believed to have already exceeded the combined total of the 3 year date and the total amount of delay by **173** days. Applicants’ Attorney believes that the period of adjustment under 37 C.F.R. § 1.703(b) is **173** days.

Applicants’ Attorney expects that additional non-overlapping delay can reasonably be expected prior to a patent issuing for the present application. Applicants’ Attorney therefore requests re-computation of the period of adjustment pursuant to 37 C.F.R. § 1.703 upon identification of the date of issue of the patent of the present application to reflect this delay. With this request, Applicants’ Attorney further reserves the right to request reconsideration of the patent term adjustment pursuant to 37 C.F.R. § 1.705(d) if the term of the issued patent is believed to be extended or adjusted incorrectly.

Reduction in Period of Adjustment pursuant to 37 C.F.R. § 1.704

Period of adjustment pursuant to 37 C.F.R. § 1.704(b)

Pursuant to 37 C.F.R. § 1.704(b), the period of adjustment shall be reduced by the number of days, if any, beginning on the day after the date (the 3 month date) that is three months after the date of mailing or transmission of an Office communication notifying the Applicants of a rejection, objection, etc., and ending on the date a corresponding reply was filed.

a. First Reduction

In the present application, a non-final rejection was mailed on **October 5, 2004**. The 3 month date to respond to this communication was **January 5, 2005**. A Response to this non-final rejection was mailed, with a certificate of mailing, on **January 4, 2005** and, according to the PAIR system Patent Term Adjustment History, received on **January 7, 2005**. Applicants' Attorney believes that the reduction in period of adjustment under 37 C.F.R. § 1.704(b) is 2 days.

Period of adjustment pursuant to 37 C.F.R. § 1.704(c)(7)

Pursuant to 37 C.F.R. § 1.704(c)(7), when a reply having an omission is filed, the period of adjustment shall be reduced by the number of days, if any, beginning on the date after the date the reply having the omission was filed and ending on the date that the reply or other paper correcting the omission was filed.

b. Second Reduction

In the present application, a Notice of Missing Parts was mailed on **November 19, 2001**. The Applicants' response of **February 12, 2002** is indicated in the PAIR system Patent Term Adjustment History. A Notice of Incomplete Reply requesting that an Abstract be provided was mailed on **March 12, 2002** (attached as **Appendix E**). The Applicants responded to this notice on by facsimile on **March 18, 2002**. Applicants' response and a USPTO Auto-Reply Facsimile Transmission are attached as **Appendix F**. Applicants submit that the reduction in period of adjustment under 37 C.F.R. § 1.704(c)(7) is 34 days.

The PAIR system Patent Term Adjustment History indicates an Applicant delay of **566** days. Applicants' submit that this calculation is not correct. Applicants note that PAIR system Patent Term Adjustment History does not contain a reference to the Notice of Incomplete Reply mailed on **March 12, 2002** (attached as **Appendix E**) or the Applicants' response by facsimile on **March 18, 2002** (**Appendix F**). Instead, the PAIR system Patent Term Adjustment History indicates that the Applicants' delay extends to **September 8, 2003** when Applicants are maintained to have submitted "a new specification to correct papers problems". This is not correct. The electronic file history shows that the **September 8, 2003** papers are instead related to Applicants' request to correct the inventorship of the application.

c. Third Reduction

In the present application, the PAIR system Patent Term Adjustment History indicates that a response to a non-final Office Action was received on **January 7, 2005**. A Notice of Non-Compliant Amendment was mailed on **January 18, 2005**. The PAIR system Patent Term Adjustment History shows that Applicants' response to this notice was received on **January 31, 2005**. Applicants submit that the reduction in period of adjustment under 37 C.F.R. §1.704(c)(7) is 24 days.

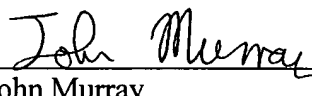
Total patent term adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delays pursuant to 37 C.F.R. § 1.704. Thus, according to our calculations, we believe that the patent term adjustment should be (550+173) days - (2+34+24) days = 663 days, instead of 0 days indicated on the Notice of Allowance attached as **Appendix A**.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for the present application may not be correct. Accordingly, Applicants' Attorney respectfully requests the U.S. Patent and Trademark office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact the undersigned attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,

June 24, 2005



John Murray
Registration No. 44,251
Attorney for Applicants

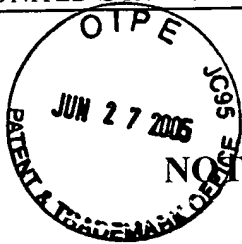
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200



UNITED STATES PATENT AND TRADEMARK OFFICE

APPENDIX A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



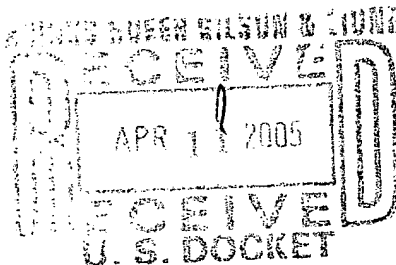
NOTICE OF ALLOWANCE AND FEE(S) DUE

00757

7590

04/07/2005

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610



EXAMINER

SRIVASTAVA, KAILASH C

ART UNIT

PAPER NUMBER

1651

DATE MAILED: 04/07/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,344	10/16/2001	Donn M. Dennis	11509/8	4615

TITLE OF INVENTION: A NANOSIZE PARTICLE FOR DETOXIFICATION AND DECONTAMINATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	07/07/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,344	04/07/2005	Donn M. Dennis	11509/8	4615

00757 7590 04/07/2005

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER

SRIVASTAVA, KAILASH C

ART UNIT

PAPER NUMBER

1651

DATE MAILED: 04/07/2005

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

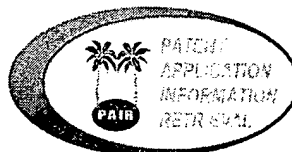


United States Patent and Trademark Office

APPENDIX B

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PATENT APPLICATION INFORMATION RETRIEVAL



Patent Term Adjustment (PTA) for publication number: 09/978,344			
			Days
Filing or 371(c) Date:	10-16-2001	USPTO Delay (PTO):	550
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	592
Post-Issue Petitions (days):	+0	Total PTA:	0
USPTO Adjustment (days):	+0	Explanation of Calculations	

Search Options

Assignments
Continuity Data
Display References
Image File Wrapper
File History
Publication Review

Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
04-07-2005	Mail Notice of Allowance		
04-07-2005	Mail Examiner's Amendment		
04-06-2005	Issue Revision Completed		
04-06-2005	Notice of Allowance Data Verification Completed		
04-06-2005	Case Docketed to Examiner in GAU		
04-06-2005	Examiner's Amendment Communication		
04-06-2005	Notice of Allowability		
02-14-2005	Date Forwarded to Examiner		
01-31-2005	Response after Non-Final Action		24
01-31-2005	Workflow incoming amendment IFW		↑
01-18-2005	Mail Notice of Informal or Non-Responsive Amendment		↑
01-18-2005	Date Forwarded to Examiner		↑
01-07-2005	Informal or Non-Responsive Amendment after Examiner Action		↑
01-07-2005	Response after Non-Final Action		2
01-07-2005	Workflow incoming amendment IFW		↑
10-05-2004	Mail Non-Final Rejection		↑
10-01-2004	Non-Final Rejection		
07-19-2004	Date Forwarded to Examiner		
07-02-2004	Response to Election / Restriction Filed		
07-02-2004	Workflow incoming amendment IFW		
06-18-2004	Mail Restriction Requirement	550	
06-18-2004	Requirement for Restriction / Election	↑	
05-26-2004	Case Docketed to Examiner in GAU	↑	
12-15-2003	Preliminary Amendment	↑	
09-08-2003	Preliminary Amendment		

		↑	
12-12-2002	Preliminary Amendment	↑	
01-28-2004	Case Docketed to Examiner in GAU	↑	
10-01-2003	Information Disclosure Statement (IDS) Filed	↑	
12-11-2001	Reference capture on IDS	↑	
12-11-2001	Information Disclosure Statement (IDS) Filed	↑	
10-03-2003	Application Return from OIPE	↑	
10-06-2003	Application Is Now Complete	↑	
10-03-2003	Pre-Exam Office Action Withdrawn	↑	
10-03-2003	Application Return TO OIPE	↑	
10-02-2003	Application Return from OIPE	↑	
10-03-2003	Application Is Now Complete	↑	
10-02-2003	Application Return TO OIPE	↑	
10-02-2003	Application Dispatched from OIPE	↑	
10-02-2003	Application Is Now Complete	↑	
09-08-2003	Additional Application Filing Fees	↑	566
09-08-2003	Applicant has submitted a new specification to correct Corrected Papers problems	↑	↑
02-05-2003	Correspondence Address Change	↑	↑
02-06-2003	Change in Power of Attorney (May Include Associate POA)	↑	↑
02-12-2002	Additional Application Filing Fees	↑	↑
02-12-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	↑	↑
02-12-2002	Applicant has submitted a new specification to correct Corrected Papers problems	↑	↑
11-19-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	↑
11-16-2001	Correspondence Address Change	↑	
10-29-2001	IFW Scan & PACR Auto Security Review	↑	
10-16-2001	Initial Exam Team nn	↑	

APPENDIX C



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
09/978,344	10/16/2001	1614	561	11509/8	9	22	2

00757
 BRINKS HOFER GILSON & LIONE
 P.O. BOX 10395
 CHICAGO, IL 60611

CONFIRMATION NO. 4615

UPDATED FILING RECEIPT



OC000000010983469*

Date Mailed: 10/06/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Donn M. Dennis, Gainesville, FL;
 Charles R. Martin, Gainesville, FL;
 Timothy E. Morey, Gainesville, FL;
 Richard E. Partch, Potsdam, NY;
 Dinesh O. Shah, Gainesville, FL;
 Manoj Varshney, Gainesville, FL;

Domestic Priority data as claimed by applicant

This appin claims benefit of 60/281,293 04/03/2001

Foreign Applications

If Required, Foreign Filing License Granted: 11/16/2001

Projected Publication Date: 01/15/2004

Non-Publication Request: No

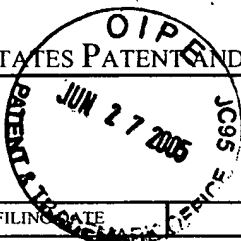
Early Publication Request: No

**** SMALL ENTITY ****

Title



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,344	10/16/2001	Donn M. Dennis	11509/8	4615

757 7590 06/18/2004

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 CHICAGO, IL 60610

EXAMINER

SRIVASTAVA, KAILASH C

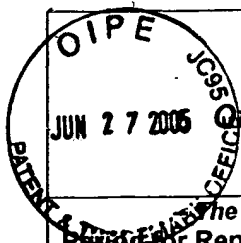
ART UNIT PAPER NUMBER

1651

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

BRINKS HOFER GILSON & LIONE
RECEIVED
 JUN 21 2004
RECEIVED
 U. S. DOCKET



Office Action Summary

Application No.

09/978,344

Applicant(s)

DENNIS ET AL.

Examiner

Dr. Kailash C. Srivastava

Art Unit

1651

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 21-42 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 1651.
2. The assigned Examiner to your application in the USPTO is Dr. Kailash. C. Srivastava. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Examiner Kailash C. Srivastava in Art Unit 1651.
3. Applicants' Preliminary amendments filed August 20, 2002; December 12, 2002 and September 8, 2003 respectively are acknowledged and entered.
4. Claims 1-20 have been cancelled.
5. Claims 21-42 have been added.
6. Claims 21-42 are pending

Election /Restriction

7. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Group I, consisting of claims 21-32 drawn to a composition, classified under Class 435, subclass 262, for example.
 - Group II, consisting of claims 33-42 drawn to treat chemical intoxication in a subject, classified under Class 424, subclass 406, for example.
8. The inventions are distinct, each from the other because of the following reasons:

Inventions in Groups I-II are related to each other as product and use thereof. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product [MPEP § 806.05(h)]. In the instant case, the detoxification method to treat intoxication in a subject can be accomplished with a variety of pharmaceuticals/products available in the market place. Alternatively the product may be applicable for detoxifying any material (e.g., Industrial wastewater/ contaminated site).

The inventions discussed above are independent and distinct, each from the other. They have acquired a separate status in the art as a separate subject for inventive effect and require independent searches. The search for each one of the above inventions is not coextensive particularly with regard to the literature search. Further, a reference that would anticipate the invention of one group would not necessarily anticipate or even make obvious another group. Finally, the consideration for patentability is different in each case. Thus, it would be an undue burden to examine all of the above inventions in one application.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification (i.e., class and subclass), and their recognized diverse subject matter, restriction for examination purposes as indicated is proper.


9. Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

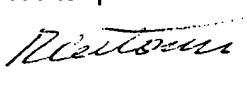
10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kailash C. Srivastava whose telephone number is (571)-271-0923. The examiner can normally be reached on Monday to Thursday from 7:30 A.M. to 6:00 P.M. (Eastern Standard or Daylight Savings Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn, can be reached on (571)-271-0926 Monday through Thursday. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

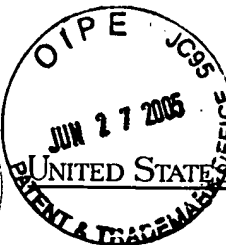
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.


Kailash C. Srivastava, Ph.D.
Patent Examiner
Art Unit 1651
(571)-271-0923


RALPH GITOMER
PRIMARY EXAMINER
GROUP 1200

June 15, 2004

APPENDIX E



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/978,344	10/16/2001	Donn M. Dennis	P05369US1

22885
MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

CONFIRMATION NO. 4615

FORMALITIES LETTER



OC00000007622231

Date Mailed: 03/12/2002

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 02/12/2002 to the Notice to File Missing Parts (Notice) mailed 11/19/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

TO:Auto-reply fax to 515 288 1338 COMPANY:

APPENDIX F

Auto-Reply Facsimile Transmission



UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 515 288 1338

Fax Information

Date Received:

3/18/02 4:48:08 PM [Eastern Standard Time]

Total Pages:

5 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 702.04 et seq.

Received
Cover
Page

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03/18/02 MON 10:35 FAX 515 288 1338	McKEE, VOORHEES, & SEASE	0001
<hr/> <h3><u>Facsimile Cover Sheet</u></h3> <hr/>		
To:		
Company: United States Patent & Trademark Office		
Phone:		
Fax: 703 872 9306		
From: Edmund J. Sease		
Company: McKee, Voorhees & Sease, P.L.C.		
Phone: 515-288-3667		
Fax: 515-288-1338		
Date: Monday, March 18, 2002		
Pages including this cover page: 5		
Comments:		
<small>THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL COVER SHEET CONTAIN INFORMATION FROM THE LAW FIRM OF MCKEE, VOORHEES & SEASE, P.L.C. WHICH MAY BE CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE DOCUMENTS ARE INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE ADDRESSEE IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING THESE DOCUMENTS TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TRANSMITTED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY THIS FIRM SO THAT WE CAN ARRANGE FOR THE RETURN OF THE ORIGINAL DOCUMENTS TO US. THANK YOU.</small>		
Received from <515 288 1338> at 3/18/02 4:48:08 PM [Eastern Standard Time]		

*** TX REPORT ***

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CONNECTION TEL		17038729306
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Facsimile Cover Sheet

To:

Company: United States Patent & Trademark
Office

Phone:

Fax: 703 872 9306

From: Edmund J. Sease

Company: McKee, Voorhees & Sease, P.L.C.

Phone: 515-288-3667

Fax: 515-288-1338

Date: Monday, March 18, 2002

**Pages including this
cover page:** 5

Comments:

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Donn M. Dennis
SERIAL NO : 09/978,344
FILED : October 16, 2001
TITLE : DETOXIFICATION AND DECONTAMINATION USING
NANOTECHNOLOGY THERAPY
Grp./A.U. : 1614
Examiner :
Conf. No. : 4615
Docket No. : P05369US1

AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

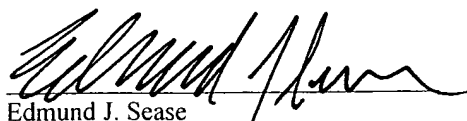
In response to the Notice of Incomplete Reply (Nonprovisional) dated March 12, 2002, enclosed please find an abstract of the disclosure to satisfy 37 C.F.R. § 1.72(b). Please see that it is entered into the file.

ABSTRACT OF DISCLOSURE

Separating and/or removing target chemicals from a region by adding a nanoparticle size bio particle to the region, and partitioning the target chemical onto the bioparticle to provide an inactive metabolite.

CERTIFICATE OF FACSIMILE TRANSMISSION (37 C.F.R. § 1.6(a)(3))

I hereby certify that this document and the documents referred to as enclosed therein are being transmitted via facsimile to: Technology Center 1600 (Art Unit 1635) 703-872-9306, Attn: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 18th day of March, 2002.


Edmund J. Sease

REMARKS

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



Edmund J. Sease, Reg. No. 24,741
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No. (515) 288-3667
Fax No. (515) 288-1338
CUSTOMER NO: 22885

Attorneys of Record

- rl -

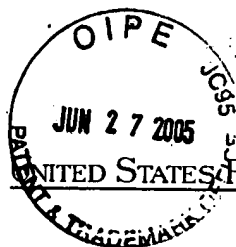


Application No. 09/978,344

**AMENDMENT — VERSION WITH MARKINGS
TO SHOW CHANGES MADE**

ABSTRACT OF DISCLOSURE

Separating and/or removing target chemicals from a region by adding a nanoparticle size bio particle to the region, and partitioning the target chemical onto the bioparticle to provide an inactive metabolite.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
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22885
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DES MOINES, IA 50309-2721

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FORMALITIES LETTER



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- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE